



LEGISLATIVE ASSEMBLY  
NATIONAL CAPITAL TERRITORY OF DELHI

COMMITTEE ON PETITIONS

THIRTEENTH REPORT OF THE SIXTH ASSEMBLY

SUBJECT: IN THE MATTER OF HANDING OVER OF SDMC  
COMMUNITY CENTRE TO ITS ORIGINAL OWNER DUSIB

PRESENTED ON 02<sup>ND</sup> DECEMBER, 2019

ADOPTED ON 3<sup>RD</sup> DECEMBER, 2019

**Legislative Assembly, Old Secretariat, Delhi – 110054**

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**DELHI LEGISLATIVE ASSEMBLY**  
**COMMITTEE ON PETITIONS**  
**(2019-2020)**

**Composition of the Committee**

<b>1. Sh. Saurabh Bhardwaj</b>	<b>CHAIRMAN</b>
2. Sh. Pankaj Pushkar	MEMBER
3. Sh. Akhilesh Pati Tripathi	MEMBER
4. Ms. Bhavna Gaur	MEMBER
5. Ms. Bandana Kumari	MEMBER
6. Ch. Fateh Singh	MEMBER
7. Sh. Girish Soni	MEMBER
8. Sh. Raju Dhingan	MEMBER
9. Sh. Shri Dutt Sharma	MEMBER

**Assembly Secretariat:**

1. Shri C. Velmurugan	Secretary
2. Shri Sadanand Sah	Deputy Secretary
3. Shri Manjeet Singh	Deputy Secretary

## **PREFACE**

1. I, the Chairman, Committee on Petitions, having been authorized by the Committee to present on their behalf, this Report on the petition received from Sh Hridyesh Kaushik and Others, r/o Chirag Delhi, New Delhi, countersigned and presented by Sh. Nitin Tyagi, Hon'ble MLA and referred to the Committee by the Hon'ble Speaker, Delhi Legislative Assembly. The Petitioners in the Petition requested that the Community Centre of Chirag Delhi which is currently in possession of South Delhi Municipal Corporation should be handed over to its original owner i.e., Delhi Urban Shelter Improvement Board.
2. The Committee considered and adopted the Draft Report at their sitting held on 29.11.2019
3. The observations / recommendations of the Committee on the above matter have been included in the Report.
4. I would like to thank all the Members of the Committee for their continued guidance.
5. The Committee places on record their profound appreciation for the valuable assistance rendered to it by Sh. Sadanand Sah, Deputy Secretary, Sh. Manjeet Singh, Deputy Secretary, Sh. Subhash Ranjan, Section Officer, Mr Kumar Rajesh, Fellow, Delhi Assembly Research Centre and other staff of Delhi Assembly Secretariat in preparation of this report.



Date: 30.11.2019

Place: Delhi

(SAURABH BHARDWAJ)

CHAIRMAN

COMMITTEE ON PETITIONS

## **Introduction**

1. Sh. Hridyesh Kaushik and Others, r/o Chirag Delhi, New Delhi filed a petition on 28.12.2018 on the issue related to handing over of South Delhi Municipal Corporation (SDMC) Community Centre back to its original owner, i.e., Delhi Urban Shelter Improvement Board (DUSIB). The Petition was countersigned and presented to the Hon'ble Speaker, Delhi Legislative Assembly by Sh. Nitin Tyagi, Hon'ble MLA, and referred to the Committee on Petitions on 07.01.2019.
  
2. It was mentioned in the Petition that the Community Centre at Chirag Delhi, which is currently being maintained by SDMC, is built upon the land of DUSIB, which was earlier called Slum and JJ Department. The Petitioners requested that the said Community Centre should be handed over to its original owner, i.e., DUSIB.

## **PROCEEDINGS**

1. To ascertain the facts and to further process the request made in the said Petition, the Committee on Petitions conducted its meetings on 21.01.2019, 15.04.2019, 03.10.2019, and 11.10.2019. The Committee deliberated the matter comprehensively with the Officers of South Delhi Municipal Corporation and the Delhi Urban Shelter Improvement Board.
2. The Committee proceedings were aimed at finding the answers to the following issues:
  - i. Whether the land on which the Community Centre is built belongs to DUSIB?
  - ii. Whether the Community Centre land was ever transferred to SDMC?
  - iii. Is DUSIB authorized under law to take over the Community Centre from SDMC?
3. A copy of the said Petition was forwarded with a questionnaire to the Commissioner, South Delhi Municipal Corporation, and the CEO DUSIB, to whom the matter pertained vide a letter dated 14.01.2019 with the request to furnish reply/information by 20.01.2019.
4. The questionnaire which was sent to DUSIB has been reproduced here:
  - i. Please provide an attested copy of the land ownership document of the said community Centre.
  - ii. Was the land of this Community Centre ever transferred by DUSIB/JJ & Slum Development Department to MCD/SDMC?
  - iii. If Yes, Please provide an attested copy of the document(s) whereby the property of said Community Centre was handed over/transferred to MCD/SDMC.
  - iv. Please provide attested copies of all procedural documents created in the process to allocate Chirag Delhi Community Centre to SDMC when Slum & JJ Dept was converted into DUSIB and was handed over to GNCTD.
  - v. Please provide the detail of funds used by MCD to construct the Community Centre.

- vi. Please provide details of whether the Community Centre existed before MCD constructed this building.
  - vii. Please provide which agency was earlier managing this Community Centre before MCD did construction on it?
  - viii. Please provide details of the general procedure which was followed to identify and allocate any land/property to DUSIB or SDMC when Slum and JJ Department was converted into DUSIB and was handed over to GNCTD.
  - ix. Does the land of Community Centre belong to DUSIB as per 2(i) and other Sections of the DUSIB Act?
  - x. Please provide details of the procedure and copies of documents through which this land was initially allocated to the then Slum and JJ Department.
5. The questionnaire which was sent to SDMC has been reproduced here:
- i. Please provide an attested copy of the land ownership document of the said community Centre.
  - ii. Was the land of this Community Centre ever transferred by DUSIB/JJ & Slum Development Department to MCD/SDMC?
  - iii. If Yes, Please provide an attested copy of the document(s) whereby the property of said Community Centre was handed over/transferred to MCD/SDMC.
  - iv. Please provide attested copies of all procedural documents created in the process to allocate Chirag Delhi Community Centre to SDMC when Slum & JJ Dept was converted into DUSIB and was handed over to GNCTD.
  - v. Please provide the detail of funds used by MCD to construct the Community Centre.
  - vi. Please provide details of whether Community Centre existed before MCD constructed this building.
  - vii. Please provide which agency was earlier managing this Community Centre before MCD did construction on it?

- viii. Please provide the total revenue that has been collected by MCD/SDMC from this Community Centre since reconstruction to date?
  - ix. Please provide details of the general procedure which was followed to identify and allocate any land/property to DUSIB or SDMC when Slum and JJ Dept. was converted into DUSIB and was handed over to GNCTD.
  - x. Does this land of Community Centre belong to DUSIB as per Section 2(i) and other sections of DUSIB Act?
  - xi. Please provide details of the procedure and copies of documents through which this land was initially allocated to the then Slum and JJ Department.
6. During the Committee meeting dated 21.01.2019, the Director, SDMC, submitted before the Committee that the land of the Community Centre belongs to DUSIB. In the same meeting, the CEO DUSIB informed the Committee that they have already written to the SDMC to transfer the ownership of the Community Centre to DUSIB and are ready to pay the requisite amount to SDMC for transferring the ownership.
  7. Further, the SDMC wrote to DUSIB vide letter dated 11.04.2019, quoting an amount of Rs. 2,46,02,381 for transfer of the ownership of Community Centre back to DUSIB.
  8. In the meeting of the Committee dated 15.04.2019, both SDMC and DUSIB mutually agreed on an amount of Rs. 2,46,02,381 for transfer of ownership of the Community Centre.
  9. After that, DUSIB wrote to the Commissioner SDMC, vide letter dated 26.06.2019, requesting SDMC to adjust the income generated from the Community Centre from the amount quoted by SDMC for transfer of ownership.
  10. The Committee further wrote to the Commissioner, SDMC vide letter dated 25.07.2019 seeking progress/status report on the proposal of handing over of Community Centre to DUSIB.



11. The SDMC further wrote back to DUSIB vide letter dated 07.08.2019, quoting a final adjusted amount, i.e., Rs. 2,42,05,410 for transfer of ownership of the Community Centre.
12. The Committee again sought a progress/action taken report from the CEO, DUSIB vide letter dated 10.10.2019, on the proposal of SDMC to deposit the requisite amount for transferring ownership of the Community Centre.
13. In the meeting of the Committee dated 11.10.2019, the CEO, DUSIB, proposed a change in the mutually agreed amount. The Committee was disheartened to note that the CEO, DUSIB, is changing the proposed amount, which was decided after a consensus between both the parties. The Committee directed both the parties, i.e., DUSIB & SDMC, to stick to the mutually decided amount of Rs. 2,42,05,410/-.
14. The Committee further wrote to the CEO, DUSIB vide letter dated 25.10.2019, seeking progress/action taken report on this matter by 30.10.2019.
15. In the meeting of the Committee dated 22.11.2019 the CEO, DUSIB informed the Committee that DUSIB has initiated the payment process.
16. The questionnaire sent by the Committee and the replies thereof received from DUSIB and SDMC has been reproduced below in a tabular form:

<b>Table I</b>		
<b>S. No.</b>	<b>Questions Raised by the Committee vide letter dated 14.01.2019</b>	<b>Reply by Delhi Urban Shelter Improvement Board vide letter dated 18.01.2019</b>
1.	Please provide an attested copy of the land ownership document of the said community Centre.	As per record available in the Land Section of DUSIB, no land has ever been transferred to erstwhile S&JJ Department in village Chirag Delhi. The possession of this Community Centre building was taken over from the Delhi Development Authority (DDA) by the erstwhile Slum & JJ Department at the time when this Department was under DDA.

2.	Was the land of this Community Centre ever transferred by DUSIB/JJ & Slum Development Department to MCD/SDMC?	<p>Being the dilapidated condition of this Community Centre, it was decided to reconstruct the same out of the then MPMLAD funds of Sh Vijay Kumar Malhotra. As per available record, in the year 2010 (19.06.2010), when Slum &amp; JJ Department was part of MCD, EE-DD-III of S&amp;JJ Deptt. has reported to the then SE-III that he was called in the office of Chief Engineer (S) along with the file and the same was sent to Engineer in Chief, MCD with remarks that <b>“The work could not be executed by S&amp;JJ Department because of the direction of Commissioner, MCD to call the tenders on Engineering Department Information System (EDIS), MCD and our staff is not trained on EDIS. The main file was called by the Chairman, Standing Committee in the presence of Additional Commissioner (Engg.), Additional Commissioner (S&amp;JJ), Engineer-in-Chief, Chief Engineer-VII, and Chief Engineer (Elect.) of General Wing, MCD. They were directed that the case is urgent nature and the same may be transferred to General Wing, MCD for early execution of work”.</b></p> <p>Thus the land of Community Centre was not transferred by DUSIB/S&amp;JJ Department to MCD/SDMC, but after the completion of work in the year 2012, the Community centre was not handed over to DUSIB.</p>
3.	If Yes, Please provide an attested copy of the document(s) whereby the property of said Community Centre was handed	Not applicable

	over/transferred to MCD/SDMC.	
4.	Please provide attested copies of all procedural documents created in the process to allocate Chirag Delhi Community Centre to SDMC when Slum & JJ Dept was converted in to DUSIB and was handed over to GNCTD.	As reported by the then EE-DD-III, the concerned file was sent to Engineer-in-Chief, MCD before 19.06.2010, i.e., before the creation of DUSIB, as DUSIB came into existence on 01.07.2010. No such procedural documents were created in the process.
5.	Please provide the detail of funds used by MCD to construct the Community Centre.	Para relates to MCD/SDMC
6.	Please provide details on whether Community Centre existed before MCD constructed this building.	The Community Centre existed at the site before MCD constructed this building, as EE-DD-III vide his note dated 02.01.2009 had sought permission for dismantling the old/existing community hall at Chirag Delhi.
7.	Please provide which agency was earlier managing this Community Centre before MCD did construction on it?	Erstwhile S&JJ Deptt was maintaining the old Community Centre. During the year 2001, the first floor of this premises was allotted to Bisnouli Sarvodaya Gramodyog Sewa Sansthan, and the ground floor of the Community Centre was being booked for community functions by S&JJ Department up to the year 2009.
8.	Please provide details of the general procedure which was followed to identify and allocate any land/property to DUSIB or SDMC when Slum and JJ Department was	As already clarified in Point No. 02 that the existing MCD/SDMC started construction on the existing Community Centre without formally taking over the building from S&JJ Department before the creation of DUSIB. However, consequent upon

	<p>converted into DUSIB and was handed over to GNCTD.</p>	<p>formation of DUSIB, as per section 31 of DUSIB Act, 2010 which is reproduced as <b>“on and from the commencement of this Act, the Board may take over such assets and liabilities, both movable and immovable, of any existing organizations of the Government or any local authority as may be specified by the Government of or by the Central Government as the case may be, by an order issued in this behalf, on such terms as may be specified in such orders.”</b></p> <p>Furthermore, in pursuance to Notification No. F.2(7)/UD/DUSIB/2010/13736-13749 dated 30.08.2010 of Principal Secretary, Urban Development, GNCTD, which is reproduced as <b>“the Government of the National Capital Territory of Delhi grants approval to take over all the assets and liabilities, both, movable and immovable in possession of Slum and JJ Department of the Municipal Corporation of Delhi on ‘as is where is’ basis by the Delhi Urban Shelter Improvement Board with immediate effect.”</b></p> <p>Taking into the true spirit of the Notification, the possession of this Community Centre should have been handed over back to DUSIB by SDMC after the reconstruction, but the same has not yet been handed over.</p>
<p>9.</p>	<p>Does the land of Community Centre belong to DUSIB as per 2(i) and other Sections of the DUSIB Act?</p>	<p>The old Community Centre building was taken over by the erstwhile Slum &amp; JJ Department from DDA; thus, the land of Community Centre belongs to DUSIB, which inter alia is as per Section 2(i) of DUSIB Act.</p>

10.	Please provide details of the procedure and copies of documents through which this land was initially allocated to the then Slum and JJ Department.	The possession of this Community Centre building was taken over from the DDA by the erstwhile Slum & JJ Department at the time when this Department under DDA.
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<b>Table II</b>		
<b>S. No.</b>	<b>Questions Raised by the Committee vide letter dated 14.01.2019</b>	<b>Reply by South Delhi Municipal Corporation vide letter dated 21.01.2019</b>
1.	Please provide an attested copy of the land ownership document of the said community Centre.	No document regarding land ownership is available.
2.	Was the land of this Community Centre ever transferred by DUSIB/JJ & Slum Development Department to MCD/SDMC?	No, the land was not transferred to the Engineering Department, but the work of construction of Community Centre on this land was transferred to MCD Engineering Department (Pr.)/South Zone from the then Slum and JJ Department.
3.	If Yes, Please provide an attested copy of the document(s) whereby the property of said Community Centre was handed over/transferred to MCD/SDMC.	As above point No. 2
4.	Please provide attested copies of all procedural documents created in the process to allocate Chirag Delhi Community Centre to SDMC when Slum & JJ Dept was	No such document is available in this department.

	converted into DUSIB and was handed over to GNCTD.	
5.	Please provide the detail of funds used by MCD to construct the Community Centre.	Rs. 1,86,45,203/- used by MCD to construct this Community Centre (MPLAD for Rs. 45,87,149/- and XL-VIII-M for Rs. 1,40,58,054/-
6.	Please provide details on whether Community Centre existed before MCD constructed this building.	The Community Centre existed in the dilapidated condition under the supervision and control of the then Slum & JJ Department.
7.	Please provide which agency was earlier managing this Community Centre before MCD did construction on it?	The Community Centre was being managed by the then Slum and JJ Department.
8.	Please provide the total revenue that has been collected by MCD/SDMC from this Community Centre since reconstruction to date?	Rs. 69,03,500/-
9.	Please provide details of the general procedure which was followed to identify and allocate any land/property to DUSIB or SDMC when Slum and JJ Dept. was converted into DUSIB and was handed over to GNCTD.	Copy of the Notification F.2(7)/UD/DUSIB/2010/13736-13749 dated 30.08.2010 is enclosed herewith.
10.	Does this land of Community Centre belong to DUSIB as per Section 2(i) and other sections of the DUSIB Act?	It pertains to DUSIB Department.

11.	Please provide details of the procedure and copies of documents through which this land was initially allocated to the then Slum and JJ Department.	It pertains to DUSIB Department.
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## **Issues Raised in the Petition**

### **Issue I**

#### **Whether the land on which the Community Centre is built belongs to DUSIB?**

Upon receiving the Petition, the Committee, in the first instance, sent it to the Commissioner, South Delhi Municipal Corporation, and the CEO, DUSIB, to whom the matter pertained vide letter dated 14.01.2019 along with a questionnaire with the request to furnish replies on the matter highlighted in the Petition and the Questionnaire.

In the first meeting of the Committee on this matter, i.e., on 21.01.2019, the Director, SDMC, submitted before the Committee that the land of the Community Centre belongs to DUSIB.

Moreover, the Chief Engineer-I, DUSIB vide letter dated 18.01.2019, informed the Committee that the possession of the said Community Centre building was taken over from the DDA by the erstwhile Slum & JJ Department at the time when this Department was under DDA. Further, Section 2 (i) and Section 31 of the DUSIB Act 2010 empowers the DUSIB to take over the possession of the Community Centre from the erstwhile JJ & Slum Department.

Further, in exercise of the powers conferred under Section 31 of the DUSIB Act, 2010, the Urban Development Department, GNCT of Delhi issued a notification dated 30.08.2010 granting an approval to take over all the assets and liabilities, both, movable and immovable in possession of Slum and JJ Department of the Municipal Corporation of Delhi on 'as is where is' basis by the Delhi Urban Shelter Improvement Board with immediate effect.

Also, the DUSIB vide letter dated 18.01.2019 informed the Committee that based on the notification dated 30.08.2010 of the Urban Development Department, GNCTD, the land of the Community Centre belongs to DUSIB.



## **Issue II**

### **Whether the Community Centre land was ever transferred to SDMC?**

The Chief Engineer-I, DUSIB vide letter dated 18.01.2019 informed the Committee that the land of Community Centre was never transferred to MCD/SDMC by DUSIB/S&JJ Department. The Community Centre was in a dilapidated condition when the erstwhile JJ & Slum Department-owned it. Thus it was decided that it should be reconstructed with the MPMLAD funds of Sh Vijay Kumar Malhotra.

The DUSIB shared a document of MCD with the Committee dated 19.06.2010, which was signed by the Executive Engineer DD-III of MCD. The document notes that when Slum & JJ Department was part of MCD, EE-DD-III of S&JJ Department has reported to the then SE-III that he was called in the office of Chief Engineer (S) along with the file and the same was sent to Engineer in Chief, MCD with remarks that *“S&JJ Department could not execute the work because of the direction of Commissioner, MCD to call the tenders on Engineering Department Information System (EDIS), MCD and our staff is not trained on EDIS. The main file was called by the Chairman, Standing Committee in the presence of Additional Commissioner (Engg.), Additional Commissioner (S&JJ), Engineer-in-Chief, Chief Engineer-VII, and Chief Engineer (Elect.) of General Wing, MCD. They were directed that the case is urgent and the same may be transferred to General Wing, MCD for early execution of work”*.

Further to this, in its reply dated 18.01.2019, the DUSIB categorically submitted that the land of Community Centre was never transferred by DUSIB/S&JJ Department to MCD/SDMC, but after the completion of the construction work in the year 2012, the Community Centre was not handed over to DUSIB.

Furthermore, the SDMC, in its reply to the Committee Questionnaire, clearly stated that the land of the Community Centre was not transferred to the Engineering Department or any department of MCD/SDMC. However, the work of

construction of the Community Centre on this land was transferred to the MCD Engineering Department (Pr.)/South Zone from the then Slum and JJ Department.

### **Issue III**

#### **Is DUSIB authorized under law to take over the Community Centre from SDMC?**

It has already been mentioned under the analysis of Issue I of this report that in exercise of the powers conferred under Section 31 of the DUSIB Act, 2010, the Urban Development Department, GNCT of Delhi issued a notification dated 30.08.2010 granting an approval to take over all the assets and liabilities, both, movable and immovable in possession of Slum and JJ Department of the Municipal Corporation of Delhi on 'as is where is' basis by the Delhi Urban Shelter Improvement Board with immediate effect. Moreover, based on the documents and replies submitted by both SDMC and DUSIB, it is evident that the land of the Community Centre belongs to the erstwhile JJ & Slum Department and now to the DUSIB. Thus, DUSIB is fully authorized to take over the Community Centre from MCD/SDMC.

However, as already mentioned in the analysis of issue II that the construction of the Community Centre was done by the MCD with MPLAD and other funds. Hence, it becomes pertinent that the DUSIB pays the construction cost to the MCD/SDMC. In this regard, the Committee directed both the parties to come to a mutual agreement and decide an amount to be paid by DUSIB for the transfer of ownership of the Community Centre. The MCD/SDMC vide letter dated 11.04.2019 quoted an amount of Rs. 2,46,02,381 to DUSIB for the transfer of ownership. Pursuant to this, DUSIB wrote back to the Commissioner, SDMC vide letter dated 26.06.2019, stating that SDMC may have earned revenue from the Community Centre, and the same should be adjusted in the amount quoted by SDMC for the transfer of ownership.

After that, SDMC vide a letter dated 07.08.2019 quoted an amount of Rs. 2,42,05,410/- after adjusting the income earned and the expenses incurred by them on manpower, repair, maintenance, and electricity.

However, even after the passing of two months since the SDMC wrote back to DUSIB with the adjusted amount, the DUSIB did not communicate with either the SDMC or the Committee. Consequently, SDMC wrote a reminder letter to DUSIB dated 01.10.2019 requesting DUSIB to look into the matter and send their consent to deposit the quoted amount to proceed further in the matter. Pursuing this, the Committee also wrote to the CEO, DUSIB vide letter dated 10.10.2019, seeking Progress/Action Taken Report on the proposal of SDMC by 11.10.2019.

In the meeting of the Committee dated 11.10.2019 on this Petition, the CEO, DUSIB, again proposed a change in the mutually agreed amount. The Committee was disheartened to note that the CEO, DUSIB, is changing the proposed amount, which was decided after a consensus between both the parties.

The Committee vide a letter dated 25.10.2019 directed the CEO, DUSIB, to stick to the mutually decided amount of Rs. 2,42,05,410/- for transfer of ownership of the Community Centre. The Committee also directed the CEO, DUSIB, to furnish a Progress/Action taken Report in this regard to the Assembly Secretariat by 30.10.2019. In the meeting of the Committee dated 22.11.2019 the CEO, DUSIB informed the Committee that DUSIB has initiated the payment process.

## **Observations and Conclusions**

From the scrutiny of the responses filed by the concerned government departments before the Committee, the following observations are brought on record:

1. The land on which the Community Centre is built belongs to DUSIB, and it was never transferred to the MCD/SDMC.
2. Due to the urgent nature of the work, the responsibility of constructing the Community Centre was transferred to General Wing, MCD, for the early execution of work.
3. However, after the completion of the construction of the Community Centre in 2012, the Community Centre was not handed over back to the Slum & JJ Department/DUSIB.
4. Under the powers granted under the DUSIB Act 2010 & notification of the UD Department dated 30.08.2010, DUSIB is fully authorized to take over the possession of the Community Centre from MCD/SDMC.
5. As per the mutual agreement between DUSIB & SDMC during the Committee meetings, the CEO, DUSIB, agreed to pay an amount of Rs. 2,42,05,410/- to take over the possession of the Community Centre from MCD/SDMC.

### **Recommendations**

1. The Delhi Urban Shelter Improvement Board should deposit the mutually agreed amount, i.e., Rs. 2,42,05,410/- to the South Delhi Municipal Corporation for transfer of ownership of the Community Centre.
2. The Delhi Urban Shelter Improvement Board and Municipal Corporation of Delhi should prepare a list of the properties/assets which were owned by the erstwhile JJ & Slum Department, and DUSIB should initiate proceedings to take over such properties.
3. The Committee requests worthy Chief Secretary of GNCT of Delhi to should submit Action Taken Report on the recommendation of the Committee, to Delhi Legislative Assembly within 60 days of adoption of this report.



Date: 30.11.2019

Place: Delhi

(SAURABH BHARDWAJ)

CHAIRMAN

COMMITTEE ON PETITIONS